

REMARKS

Claims 1-15 and 17-19 are currently pending in the subject application. Claims 1 and 10 are independent.

A. Introduction

In the outstanding Office Action Made Final,

1. claims 1, 2, 4-11, 15 and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,058,076 to Jiang ("the Jiang reference") in view of U.S. Patent Publication No. 2004/0032844 to Lewis et al. ("the Lewis et al. reference") and further in view of U.S. Patent Publication No. 2003/0031189 to Larson et al. ("the Larson et al. reference"); and
2. claims 3 and 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Jiang, the Lewis et al., and the Larson et al. references, and further in view of U.S. Patent No. 6,560,217 to Peirce et al. ("the Peirce et al. reference").

B. Asserted Anticipation Rejection of Claims 1, 2, 4-11, 15 and 17-19

In the outstanding Office Action Made Final, claims 1, 2, 4-11, 15 and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Jiang reference in view of the Lewis et al. reference and further in view of the Larson et al. reference. This rejection is respectfully traversed for at least the reasons set forth below.

Independent claims 1 and 10 recite, in part, that control information is transmitted over a public Internet network using a first communication manner and the user data is transmitted over the public Internet network using a second communication manner, which is less secure than the first communication manner.

In the outstanding Office action, the failure of the combination of the Jiang reference in view of the Lewis et al. reference to teach communication paths having different security levels is noted, and the Larson et al. reference is relied on as providing this missing teaching.¹ However, while the Larson et al. reference may disclose different levels of security for transmitting payload data and control information, the Larson et al. reference teaches sending these to **environments** having different levels of security,² **not** using different communication manners for transmission to the same environment, i.e., a public Internet

¹ *Office Action Made Final mailed June 24, 2008*, page 5, fourth paragraph to paragraph spanning pages 5 and 6.
² *The Larson et al. reference*, paragraph [0001], [0077], and [0078], describing customer ("payload") and management LANs.

network, as recited in the independent claims. In other words, in the Larson et al. reference, only the payload information is transmitted outside the system, allowing a higher level of security for the control information to be automatically maintained.³

Moreover, the Larson et al. reference teaches that the relatively more secure environment is **not** connected to the internet. Thus, the asserted combination of the teachings of the Larson et al. reference with the Jiang and Lewis et al. references, which are directed to communications over the internet, would destroy any security provided by the Larson et al. reference.

Therefore, it is respectfully submitted that the Larson et al. reference fails to provide the teaching noted above as missing from the combination of the Jiang and the Lewis et al. references. Thus, the combination of the Jiang reference in view of the Lewis et al. reference and further in view of the Larson et al. reference fails to suggest, much less disclose, the limitations recited in independent claims 1 and 10.

The remaining rejected claims depend, either directly or indirectly, from respective ones of claims 1 and 10, and are believed to be allowable for at least the reasons set forth above. Therefore, it is respectfully requested that this rejection be withdrawn.

C. Asserted Obviousness Rejection of Claims 3 and 12-14

In the outstanding Office Action Made Final, claims 3 and 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Jiang reference in view of the Lewis et al. reference and further in view of the Larson et al. reference and further in view of the Peirce et al. reference. The Peirce et al. reference fails to provide the teachings noted above as missing from the combination of the Jiang, Lewis et al., and Larson et al. references. Therefore, claim 3, which depends from claim 1, and claims 12-14, which depend from claim 10, are believed to be allowable for at least the reasons set forth above. Therefore, it is respectfully requested that this rejection be withdrawn.

D. Request for Withdrawal of Finality

It is respectfully requested that the finality of the outstanding Office action be withdrawn. In particular, it is noted that the new grounds of rejection of claim 10, which was

³ *Id.*

previously amended merely to incorporate the limitations of dependent claim 16, were not necessitated by the previous amendment.

E. Conclusion

The above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome them. However, while these remarks may refer to particular claim elements, they are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied art. Accordingly, applicants respectfully submit that the claims are allowable for reasons including, but not limited to, those set forth above, and patentability of the claims does not depend solely on the particular claim elements discussed above.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

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